

1-1 By: Davis S.B. No. 634
 1-2 (In the Senate - Filed February 18, 2013; February 25, 2013,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; April 11, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; April 11, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hinojosa	X			
1-8 Nichols	X			
1-9 Garcia	X			
1-10 Paxton	X			
1-11 Taylor	X			

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to regulating faulty on-site sewage disposal systems in
 1-16 the unincorporated areas of a county as a public nuisance;
 1-17 providing a criminal penalty.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subsection (c), Section 343.011, Health and
 1-20 Safety Code, is amended to read as follows:

1-21 (c) A public nuisance is:

1-22 (1) keeping, storing, or accumulating refuse on
 1-23 premises in a neighborhood unless the refuse is entirely contained
 1-24 in a closed receptacle;

1-25 (2) keeping, storing, or accumulating rubbish,
 1-26 including newspapers, abandoned vehicles, refrigerators, stoves,
 1-27 furniture, tires, and cans, on premises in a neighborhood or within
 1-28 300 feet of a public street for 10 days or more, unless the rubbish
 1-29 or object is completely enclosed in a building or is not visible
 1-30 from a public street;

1-31 (3) maintaining premises in a manner that creates an
 1-32 unsanitary condition likely to attract or harbor mosquitoes,
 1-33 rodents, vermin, or disease-carrying pests;

1-34 (4) allowing weeds to grow on premises in a
 1-35 neighborhood if the weeds are located within 300 feet of another
 1-36 residence or commercial establishment;

1-37 (5) maintaining a building in a manner that is
 1-38 structurally unsafe or constitutes a hazard to safety, health, or
 1-39 public welfare because of inadequate maintenance, unsanitary
 1-40 conditions, dilapidation, obsolescence, disaster, damage, or
 1-41 abandonment or because it constitutes a fire hazard;

1-42 (6) maintaining on abandoned and unoccupied property
 1-43 in a neighborhood a swimming pool that is not protected with:

1-44 (A) a fence that is at least four feet high and
 1-45 that has a latched and locked gate; and

1-46 (B) a cover over the entire swimming pool that
 1-47 cannot be removed by a child;

1-48 (7) maintaining on any property in a neighborhood in a
 1-49 county with a population of more than 1.1 million a swimming pool
 1-50 that is not protected with:

1-51 (A) a fence that is at least four feet high and
 1-52 that has a latched gate that cannot be opened by a child; or

1-53 (B) a cover over the entire swimming pool that
 1-54 cannot be removed by a child;

1-55 (8) maintaining a flea market in a manner that
 1-56 constitutes a fire hazard;

1-57 (9) discarding refuse or creating a hazardous visual
 1-58 obstruction on:

1-59 (A) county-owned land; or

1-60 (B) land or easements owned or held by a special
 1-61 district that has the commissioners court of the county as its

2-1 governing body;
 2-2 (10) discarding refuse on the smaller of:
 2-3 (A) the area that spans 20 feet on each side of a
 2-4 utility line; or
 2-5 (B) the actual span of the utility easement;
 2-6 (11) filling or blocking a drainage easement, failing
 2-7 to maintain a drainage easement, maintaining a drainage easement in
 2-8 a manner that allows the easement to be clogged with debris,
 2-9 sediment, or vegetation, or violating an agreement with the county
 2-10 to improve or maintain a drainage easement; [~~or~~]
 2-11 (12) discarding refuse on property that is not
 2-12 authorized for that activity; or
 2-13 (13) surface discharge from an on-site sewage disposal
 2-14 system as defined by Section 366.002.

2-15 SECTION 2. Section 343.021, Health and Safety Code, is
 2-16 amended to read as follows:

2-17 Sec. 343.021. AUTHORITY TO ABATE NUISANCE. (a) If a
 2-18 county adopts abatement procedures that are consistent with the
 2-19 general purpose of this chapter and that conform to this chapter,
 2-20 the county may abate a nuisance under this chapter:

2-21 (1) by demolition or removal, except as provided by
 2-22 Subsection (b);

2-23 (2) in the case of a nuisance under Section
 2-24 343.011(c)(1), (9), or (10), by prohibiting or controlling access
 2-25 to the premises;

2-26 (3) in the case of a nuisance under Section
 2-27 343.011(c)(6), by:

2-28 (A) prohibiting or controlling access to the
 2-29 premises and installing a cover that cannot be opened by a child
 2-30 over the entire swimming pool; or

2-31 (B) draining and filling the swimming pool; or

2-32 (4) in the case of a nuisance under Section
 2-33 343.011(c)(12), by removal, remediation, storage, transportation,
 2-34 disposal, or other means of waste management authorized under
 2-35 Chapter 361.

2-36 (b) In the case of a nuisance under Section 343.011(c)(13),
 2-37 the county may use any means of abatement reasonably necessary to
 2-38 bring the system into compliance with Chapter 366 only after the
 2-39 defendant fails to abate the nuisance as ordered by the court under
 2-40 Section 343.012(e).

2-41 SECTION 3. This Act takes effect September 1, 2013.

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